

# Commission on Parliamentary Reform

## Submission to the Commission for Parliamentary Reform

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I am currently carrying out action research in the Scottish Parliament on mainstreaming sustainable development (SD) from 2016 to 2019, as part of the parliament's academic engagement programme. Although I am temporarily providing cover for a SPICe researcher during April and May 2017, this submission is written in my capacity as a researcher from the University of Stirling.

### KEY POINTS

- **Using sustainable development principles as a scrutiny lens can improve parliamentary business by helping:**
  - **committees to draw on a wider range of witnesses and evidence;**
  - **joined up thinking and so mitigating committee *silos*;**
  - **provide better support for scrutiny through improved statements on sustainable development impact contained in policy memoranda.**
- **The parliament can improve scrutiny through the use of sustainable development as a scrutiny lens. Our SD impact assessment tool can support this, and capacity can be built by training and supporting key staff – both those working directly with committees and individual Members, and those responsible for strategic thinking.**

### My research programme within the parliament:

The CSG highlighted the importance of cross-cutting issues, including sustainable development. The Standing Orders require that the policy memoranda accompanying bills include a statement on their impact on sustainable development.

There have been five plenary debates on sustainable development. In 2000, for example the parliament agreed that it "*places sustainable development at the core of its work*". It reaffirmed this commitment in 2001, and its belief that '*sustainable development must be a central principle in governing Scotland*' (2002). Between 1999 and 2016 a search of motions, questions and answers reveals 593 results for the term "sustainable development". Over 10% of the Acts of the Scottish Parliament (1999-2014) contain explicit sustainable development clauses.

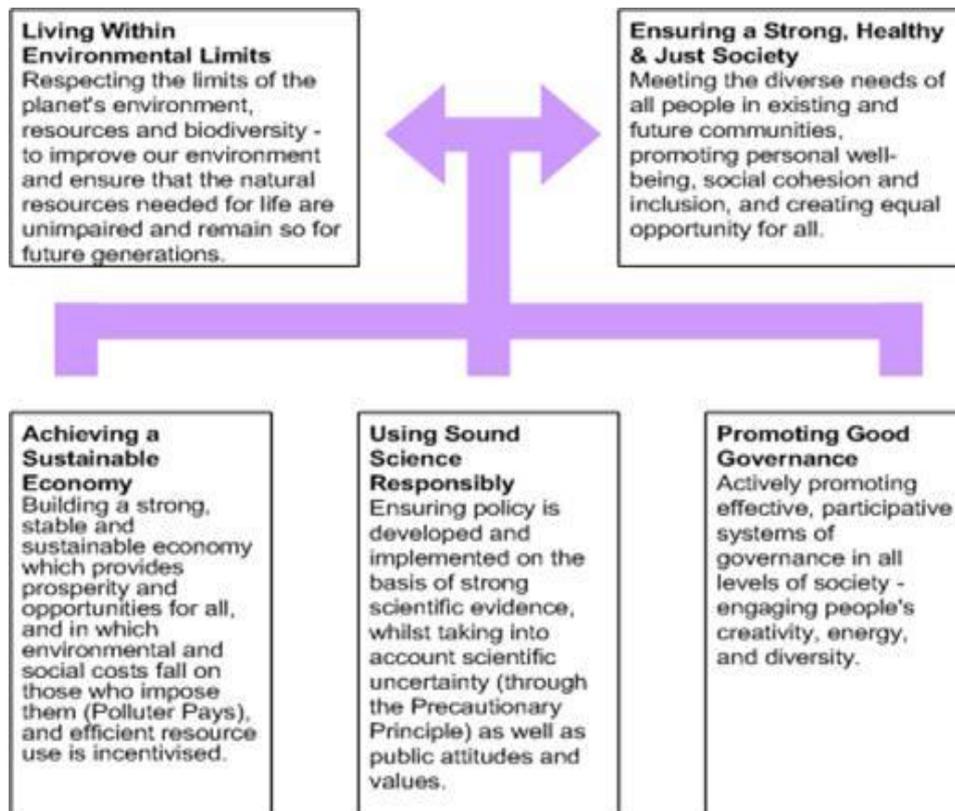
Following the closure of the independent scrutiny and advice body, the Sustainable Development Commission (Scotland), in 2011 the Parliament sought to fill the resulting scrutiny gap by mainstreaming sustainable development into its existing scrutiny processes. With the support of funding from the Scottish Government, this work was developed by a series of secondees from Scottish Government (2012-2013), the Scottish Environment Protection Agency (myself, 2013 – 2014) and the National Health Service (2015). The work mainly focussed on:

- Developing an approach to mainstreaming sustainable development;
- Trialling that approach to ensure that it could provide a workable way to improve scrutiny;
- Building capacity and developing specific tools and business processes to support mainstreaming.

My action research work builds on this, continuing with mainstreaming, while recording and analysing the process.

### What is sustainable development?

Sustainable development (SD) is not a discrete area of policy. It is about how human / societal development can be shaped to remain within environmental limits and be equitable now and in the future. The UK shared framework for sustainable development sets out five key principles for sustainable development.



Sustainable development is often misunderstood as being about 'saving the planet'. In fact, sustainable development arose from the realisation that some aspects of our socio-economic development were damaging the environment on which we depend for our survival and wellbeing, such as clean air to breathe, potable water, etc.

The shared framework shows the two essential conditions for sustainable development at the top. The bottom half of the shared framework shows some of the key supporting conditions required to achieve the essential conditions. A sustainable economy is one that is equitable, in that it supports all people to meet their needs without undermining our wellbeing by damaging the vital services we get from the environment. Sound science refers to the evidence required for policy development (and good scrutiny) to ensure that societal goals are met without undesirable consequences, and good governance is essential to ensure that all the other principles are integrated into decision-making, and the all members of society can have a voice.

### How can the principles of sustainable development improve scrutiny?

My work has focused on how the principles of sustainable development could be used in practical ways in the parliament. Some examples of the potential benefits are provided below.

- **A wider range of witnesses and evidence:**

The holistic approach of sustainable development has helped committees to invite evidence and hear from witnesses beyond the technical scope of legislation, or the traditional purview of a policy area. For example, in the scrutiny of the Courts Reform Bill of 2014, as a result of using an SD lens, an environmental lawyer gave oral evidence regarding the reduction of the time limit for judicial review. He explained how the draft provisions would affect communities whose environment might be threatened.

- **Joined up thinking:**

Where inquiries into cross cutting issues do take place, it is difficult to cover issues which fall between the clearly delineated committee boundaries. A sustainable development lens has the power to shed light on the interconnectedness of policy, and the impacts of decisions in one area on others. For example, using an SD lens to support the scrutiny of the Housing Bill of 2014, staff members were able to suggest the Infrastructure and Capital Investment Committee invite witnesses to speak about the possible detrimental consequences of the draft provisions to social justice and the climate.

Joined-up scrutiny could lead to greater policy coherence in Government if officials and Ministers come to expect to be held to account for it. In the scrutiny of the Housing Bill of 2014, officials and the Minister were challenged about how the Bill fits with the Government's own Sustainable Housing Strategy. Greater policy coherence could in turn lead to better real world outcomes. This resonates with the Parliament's vision as set out in its Strategic Plan: *'Making a positive difference to the lives of the people of Scotland.'*

- **Assessing the impact of legislation on sustainable development:**

As noted above, most bills must be accompanied by a policy memorandum which includes a statement on the likely impact on sustainable development. The Session 4 Standards, Procedures and Public Appointments Committee's third report of 2015 said *'The aim of the accompanying documents is to help people understand a bill better'* (para. 67). The Committee found that *'Several people mentioned a lack of detail in the policy memorandum on sustainable development'* (para. 70) and recommended that *'the Scottish Government should work with the Parliament's committees to improve the standard of the documents, particularly the information on sustainable development'*.

Better SD statements would support better scrutiny, as Members will have more information about potential impacts. An analysis that I have carried out, looking at the policy memoranda for bills from 2014 – 2016 shows that by and large there is little consistency in the methods used by Scottish Government Bill teams to assess the impact of government bills on sustainable development. In the majority of cases, only or mainly the environment is considered. Several SD statements are very limited in scope, and even where laudable effort has been made, it appears that the understanding of sustainable development is also limited.

An SD impact assessment tool we have developed is being trialled in the development of non-government bills. Initial results indicate the tool has helped create SD statements that are more comprehensive and holistic in their scope – for example see policy memorandum of the British Sign Language Bill (2014). The new tool differs from previous ones in that it is not a checklist, but a series of questions that encourages users to engage with the complexity of policy and its outcomes.

- **International reputation:**

With the adoption of the Sustainable Development Goals at a global level, many parliaments and parliamentary networks are beginning to work to incorporate sustainable development into their processes. As far as we know, the type of 'pure mainstreaming' that the Scottish Parliament has adopted, has been, certainly until very recently, unique. Two workshop sessions with researchers from the Moroccan and Montenegrin parliaments in 2016 and 2017 respectively, generated considerable interest in our approach, as it helped the researchers to think in a more systemic way.

## Options for the way forward

- **Empowering staff to innovate for effective scrutiny:**

Good scrutiny begins with the members of staff who support it. Therefore ensuring staff capacity to do this as effectively as possible is essential. I use the term 'capacity' to include primarily sufficient staff with the right technical and policy expertise to provide the advice and materials that constitute the foundation for effective scrutiny. To tap into this resource effectively may include allowing space and time for innovation and change-making, as well as mandate.

Building capacity includes developing and testing tools and approaches as well as enhancing skills such as holistic, systemic thinking. In 'pure mainstreaming' where the aim is for existing staff to be able to support all committees to integrate an SD lens into their scrutiny processes, this is a long-term project.

- **Developing a strategic vision:**

Strategic thinking requires on-the-ground strategists to implement senior management ideas and provide a two-way flow of information between operational staff members and senior managers. One of my initial research findings is that staff who are at the 'coal face' of scrutiny, such as SPICe researchers and clerks have a deep and detailed understanding and insights into the strengths and weaknesses of the day-to-day business of scrutiny. This includes insights into areas of the business that are not generally publicly visible. Strategists have certain specialist skills and could tap into such resources to further parliamentary reform, including by helping the organization develop a vision for effective parliamentary business – an idea of what good scrutiny might look like - in order to guide our efforts.

### **Conclusion:**

The Scottish Parliament has elected to mainstream sustainable development principles into its scrutiny processes through pure mainstreaming, rather than through a separate committee, commission or rapporteurs, etc. Our 2012 research suggested that this was a unique approach, but it is the most consistent with the concept of sustainable development, because, as the Secretary of State's Advisory Group on Sustainable Development noted in its recommendations for the forthcoming Scottish Parliament, it *'touches all aspects of policy and action.'*

While we have made considerable progress in this mainstreaming, developing new approaches and an impact assessment tool, we still have some way to go. Crucially, mainstreaming sustainable development goes hand in hand with improving scrutiny: using SD principles as a scrutiny lens can improve scrutiny, and improving scrutiny can support sustainable development. It is therefore suggested that both be progressed together.

Further details regarding any of the information provided above, as well as case studies are available on request.